

Battle Creek Zoning Board of Appeals

Staff Report

Meeting: November 13, 2012

To: Zoning Board of Appeals

From: Glenn Perian, Senior Planner

DATE: November 5, 2012

Subject: Appeal of the decision of the Zoning Administrator

Summary

This report addresses a decision of the Zoning Administrator as it relates to use of the property at 439 W. Columbia Avenue for residential purposes. It is the decision of the City of Battle Creek that the property can be used consistent with those uses listed in the C-3 zoning districts and that the residential uses previously permitted have lost their legal-nonconforming status.

Background Information

The subject site is located at 439 W. Columbia Ave in a C-3 "Intensive Business" Zoning District where both commercial and office uses are permitted by right. On August 15, 2012 a Rental Permit Application was solicited for the subject property by the City Code Compliance Department. On August 24, 2012 the City received a Rental Permit Application for 439 W. Columbia Ave. and 7 Menno Place from R.B. Christian & Sons Inc., the property owner, requesting a permit for two (2) residential units at the subject site. On August 28, 2012, a zoning review was done by the Planning and Zoning Department to see if residential uses would be permitted at the subject location. Notes in the file specifically ask the Zoning Inspector the question; "can there be 2 units in the basement of this business". Based on the request for information, the Zoning Inspector reviewed all the available City files to determine if a residential use could occur at the subject property.



Aerial Photograph of the Subject Site

Based on information found in City files it was determined that the building was constructed in 1930 as a residence. Old Township zoning maps show that in 1950 the property was zoned "C" Commercial. A 1947 Battle Creek Township Zoning Ordinance allows residential uses in the "C" Commercial zone. From 1958-1984 the zoning maps show the property was zoned B-2 "Intensive Business District" as part of the old Township. Residential uses were not permitted in the B-2 district. In 1984, when the Township and City merged, the property was zoned C-3 "Intensive Business District" where residential uses are not permitted. Old assessing file cards show that at some point in time between 1977 and 1984, 7 Menno Place and 439 W. Columbia were both used as "Office". On the same assessing card 7 Menno Place is no longer used to identify the property. Currently, the City identifies the property with the address 439 W. Columbia Avenue and 7 Menno Place does not appear in the City data base as a valid address. During the review, the Zoning Inspector did not find any building permits showing that the property was legally converted from a residential use to an office use and then back to a combined office/residential use and no City record was found that there was any residential use of the building since possibly 1993. Based on the findings of the research, a letter dated October 2, 2012 was sent to Mr. Christian informing him that the property could not be used for residential purposes as a legal-nonconforming use. The letter further stated that if Mr. Christian could produce any documentation that a legal residential use occurred on the property after the entire property was identified as an office use in the assessing file card records, the City would look at the information and consider it. Mr. Christian submitted a letter and seven photos along with his appeal of the Zoning Administrators decision which we do not believe offers any evidence that the property was a legal residence after it was converted to the office use.

Applicable Zoning Ordinance Provisions

Pursuant to Chapter 1232.04, The Zoning Administrator shall enforce this Zoning Code. The officers and employees of the City, especially all of the members of the Police Department, shall assist the Zoning Administrator by reporting to him or her upon observing new construction, reconstruction or land uses or upon observed violations. An appeal from a decision of the Zoning Administrator may be made to the Zoning Board of Appeals as provided in Chapter 1234.

1234.04 JURISDICTION; VOTING REQUIREMENTS FOR DETERMINATIONS.

- (a) The Zoning Board of Appeals shall have the following powers:
- (3) To hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this zoning ordinance;
- (f) The concurring vote of a majority of the membership of the Board is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon with the Board is required to pass under the zoning ordinance, or grant a variance in the zoning ordinance.

Conclusion:

Mr. Christian is appealing the decision of the Zoning Administrator to allow the property to be used as an office and two residential units. It is the position of the City that the property was originally built as a residential structure but over time it was converted to an office use, permitted in a C-3 zone. The City believes that there are no records showing that the property was converted back to residential units legally. Mr. Christian has supplied a letter dated October 16, 2012, and seven (7) photos for your review and consideration to support his position.

It is the responsibility of the Zoning Board to determine if the evidence supplied by the City supports the position that the property has lost its residential non-conforming status and can only be used in conformance with uses permitted in the C-3 zoning district or if the evidence supplied by Mr. Christian supports his position that the property can legally be used as a mixed use property including two residential units and an office.

Attachments

The following information is attached and made part of this Staff Report.

- 1. Letter dated 8/15/12 from City Code Dept. asking for the property to be registered as a rental
- 2. Rental Permit Application for property at 439 W Columbia and 7 Meno
- 3. General Property Information from City of Battle Creek Assessing
- 4. Enforcement #EN12-06677 showing Zoning Inspectors notes
- 5. Assessing Cards from 1977-1984 and 1984-1993
- 6. Residential Zoning Review Letter dated October 2, 2012 from Zoning Inspector Farmer to Mr. Richard Christian
- 7. RB Christian & Son Inc application to Appeal the Decision of the Zoning Administrator
- 8. October 16, 2012 letter from Mr. Christian
- 9. Seven photos supplied by Mr. Christian as part of his application

Appeal No. A - 0/-/2

APPLICATION FOR A VARIANCE

City of Battle Creek, Michigan



An Appeal to the Zoning Board of Appeals to authorize a variance from the requirements of the Planning and Zoning Code (Part Twelve) of the City of Battle Creek.

CITY OF BATTLE CREEK PLANNING DEPARTMENT

Name of Appellant: RB. Christian & Son Inc.

Address: 439 W Columbia Phone: 2699632222
Name of Owner (if different from Appellant):
Address: Phone:
TO THE ZONING BOARD OF APPEALS: Request is hereby made for permission to: (Choose One) Extend Erect Waive Use Convert Enclose
Description: Appen 1 Decision of Zuning Administration As this property was built AB A 3 UNIT - 2 pprofinems - 1 office
Administrater As this property was
BUILT AS A 3 UNIT - 2 PPARTMENS - 1 Office
Contrary to the requirements of Section(s) of the Planning and Zoning Code, upon the premises known as derived by Columbia accordance with the plans and/or plat record attached. The proposed building or use requires Board action in the following area(s):
Property/Tax I.D. # No. 6440 - 11 - 468 - Size of the Lot: Width Depth
Size of Proposed Building: Width Depth Height
The following reasons are presented in support of this appeal (complete each section): (a.) This property cannot be used in conformance with the ordinance without the requested variance because:

R. B. Christian

Since 1952



Pre-Cast Concrete

439 W. Columbia Ave. Battle Creek, Michigan 49015 Phone (269) 963-2222 Fax (269) 963-1756

3523 S. Cedar St. Lansing, Michigan 48910 (517) 882-9100 Email christianinc@att.net

October 16, 2012

City of Battle Creek

Please be advised that our property was built as apartments with an office at 439 W. Columbia Ave. in 1927. We purchased the property in 1971.

Richard Christian

Your inspection Dept. By Viewing
the old cast inon hear registers, plumbing
AND exposed study in boicen Room Along
with wiking that this was boilet AS is
And never alread - Intersem from
AND Also windows.





CITY OF BATTLE CREEK

10 N. Division Street, Room 117 Battle Creek, MI 49014 269.966.3387

08/15/2012

RB CHRISTIAN & SON INC 439 W COLUMBIA AVE BATTLE CREEK MI 49015

Dear Owner:

REF: 439 W COLUMBIA AVE EN12-06677

The City of Battle Creek administers the City's Rental Housing Ordinance, Chapter 842 which requires all properties that are not owner occupied to have a current valid rental permit. It has come to the attention of our office that the above-referenced property is currently being occupied by someone other than you the owner. According to our records, there is not a current valid rental permit for this property. It is our goal to improve the value of housing in all Battle Creek neighborhoods and we look forward to assisting you in maintaining a quality rental property.

Please complete the permit application (enclosed) and return it to the City Clerks Office within 15 days along with a check or money order made payable to the 'City Treasurer' to cover the following fees:

- 1. Application fee \$500.00.
- 2. Inspection fee (No fee for first unit) \$10.00 for each additional rental unit.

After we have received your completed rental permit application and fees and verified all of the required information, we will notify you of an inspection date and time.

NOTE: Failure to obtain a rental permit may result in a misdemeanor charge with fines up to \$500 and/or 90 days in jail and an order to vacate the rental property.

Should you have questions regarding this letter or the rental program, please contact us at 269.966.3379.

Sincerely,

JASON FRANCISCO, Code Official

Submit to:

RENTAL PERMIT APPLICATION

Initial	Pern	nit

City of Battle Creek

10 11 Division Street, Rm 117

ture of Local Agent

E___ Creek, MI 49014 Phone: 269.966.3379

 IIIIIIa	110	711111	L
Rene	ewa	l Pe	rmit

Address of Dwelling:			
(If multiple-u	nit dwelling, may list range of addresses or attach addition	onal sheet)	
Owner:		DOB	
Permanent Address:			
Telephone No.: Home:	Business:	Fax:	
Email Address:			
If not an individual, type of Busines	ss Entity:(e.g., Corporation; Trust; Partnership)	Corp. ID#	
Legal Agent:	DOB	Capacity*	
		*e.g. Corporate Resident Agent, Managing Partner, Trust	tee
	Fax:		
Email Address:			
Loca <u>l Agent</u> *:		nty DOB	
	here individual owner does not live within Calhoun Cour		
Telephone No.: Home:	Business:	Fax:	
Email Address:			
Type of Dwelling:			
Single Family	Two Family 🔲	Multiple Family No. of Units	
CEDTIFIC A TION			
CERTIFICATION	6	and the same of th	C:+: C
By my signature, I nereby make application agree to allow City officials and/or appointe authorize the person I have designated in thi	ees to enter and perform inspections as required	r accept responsibility for the above premises under the terms of the d by the Code of the City of Battle Creek in the manner permitted	by said C
Signature of Owner	Date	1	

Date

Submit to:	RENTAL PERMIT	☐ fnitial Permit
City of Battle Creek	APPLICATION	Renewal Permit
J. Division Street, Rm 17 Battle Creek, MI 49014 Phone: 269.966.3379	437 W. COLUMBIA	,
Address of Dwelling:	If multiple-unjt dwelling, may list range of addresses or attach additional sheet)	1ace
Owner: R.B.	Christian & Son	DOB.
Permanent Address:	439 W ('Olur	n Sin ave
Telephone No.: Home:	943222 Business:	Fax:
Email Address:	none	
If not an individual, type o	f Business Entity: (e.g., Corporation; Trust; Partnership)	Corp. ID#_381948608
Legal Agent:	CE (h/15tim DOB CE	apacity* Cuporati Residut
Address: 52	E Acacia *e.	Corporate Resident Agent, Managing Partner, Trustee
Telephone No.: Business:	: 9632222 Fax: 9631750	
Email Address:(Christian inc @ att.	net
Local Ament*:	* Required where individual owner does not live within Calhoun County	DOB
(A 1.1.	Required where individual owner does not live within Californi County	
Talambana Na i Hamai	Business:	Fax:
relephone No.: Home:		
Email Address:		
Email Address:		
Email Address: Type of Dwelling: Single Family		
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature I hereby make:	Two Family Multiple Far	mily No. of Units 2
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature I hereby make:	Two Family Multiple Far application for a rental permit for the above premises and/or accept responsibility appointees to enter and perform inspections as required by the Code of the insteed in this application (if any) as my legal agent.	ty for the above premises under the terms of the City Code, and e City of Battle Creek in the manner permitted by said Code.
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature I hereby make:	Two Family Multiple Far	ty for the above premises under the terms of the City Code, and e City of Battle Creek in the manner permitted by said Code.
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature, I hereby make a agree to allow City officials and authorize the person I have designed.	Two Family Multiple Far application for a rental permit for the above premises and/or accept responsibility appointees to enter and perform inspections as required by the Code of the instead in this application (if any) as my legal agent.	ty for the above premises under the terms of the City Code, and e City of Battle Creek in the manner permitted by said Code.
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature, I hereby make a agree to allow City officials and authorize the person I have designed.	Two Family Multiple Far application for a rental permit for the above premises and/or accept responsibility appointees to enter and perform inspections as required by the Code of the instead in this application (if any) as my legal agent.	This is above premises under the terms of the City Code, and the City of Battle Creek in the manner permitted by said Code.
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature, I hereby make agree to allow City officials and authorize the person I have designed to allow City officials. Signature of Owner	Two Family Multiple Far Multiple Far Multiple Far Multiple Far application for a rental permit for the above premises and/or accept responsibility or appointees to enter and perform inspections as required by the Code of the instead in this application (if any) as my legal agent.	This is above premises under the terms of the City Code, and the City of Battle Creek in the manner permitted by said Code.
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature, I hereby make agree to allow City officials and authorize the person I have designed authorize the person I have designed authorize the Designed Family Signature of Owner Signature of Legal Agent	Two Family Multiple Far Multiple Far Multiple Far Multiple Far application for a rental permit for the above premises and/or accept responsibility or appointees to enter and perform inspections as required by the Code of the instead in this application (if any) as my legal agent. S	ty for the above premises under the terms of the City Code, and a City of Battle Creek in the manner permitted by said Code.
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature, I hereby make agree to allow City officials and authorize the person I have designed authorize the person I have designed authorize the Designed Family Signature of Owner Signature of Legal Agent	Two Family Multiple Far Multiple Far Multiple Far Multiple Far application for a rental permit for the above premises and/or accept responsibility or appointees to enter and perform inspections as required by the Code of the instead in this application (if any) as my legal agent. S	ty for the above premises under the terms of the City Code, and a City of Battle Creek in the manner permitted by said Code.
Email Address: Type of Dwelling: Single Family CERTIFICATION By my signature, I hereby make agree to allow City officials and authorize the person I have designed authorize the person I have designed authorize the Designed Family Signature of Owner Signature of Legal Agent	Two Family Multiple Far Multiple Far Multiple Far Multiple Far application for a rental permit for the above premises and/or accept responsibility or appointees to enter and perform inspections as required by the Code of the instead in this application (if any) as my legal agent. S	This is above premises under the terms of the City Code, and the City of Battle Creek in the manner permitted by said Code.

General Property Information

City of Battle Creek

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 6460-11-468-0 Unit: CITY OF BATTLE CREEK

Values are tentative until finalized by March Board of Review

Property Address

439 W COLUMBIA AVE

BATTLE CREEK, MI 49015-3398

Owner Information

[collapse]

[collapse]

RB CHRISTIAN & SON INC N/A

Unit:

52

[collapse]

R B CHRISTIAN & SON INC 439 W COLUMBIA AVE BATTLE CREEK, MI 49015-3398

Taxpayer Information

General Information for Tax Year 2012

[collapse]

Property Class:

201 - COMMERCIAL 13090 - LAKEVIEW Assessed Value: \$91,785

School District:

SCHOOLS

\$32,252

State Equalized Value:

\$91,785

Map #

614NE

User Number Indx:

1,785

Date of Last Name Chg:

06/25/2009

Date Filed:

Taxable Value:

Notes:

N/A

Historical District:

N/A

Census Block Group:

N/A

Principal Residence Exemption

June 1st

Final

2012

0.0000 %

0.0000 %

Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2011	\$94,916	\$94,916	\$31,405
2010	\$94,916	\$94,916	\$30,881

Land Information

[collapse]

Frontage

0.00 Ft.

Depth

Lot 1: 71.25 Ft. **Lot 2:** 41.25 Ft.

136.50 Ft. 76.50 Ft. 0.00 Ft.

Total Frontage:

Lot 3:

112.50 Ft.

Average Depth: 114.50 Ft.

Total Acreage:

0.30

Zoning Code: Land Value: C3

\$70,916

Mortgage Code:

N/A

Land Improvements:

\$14,755 NO **Lot Dimensions/Comments:**

Renaissance Zone:
Renaissance Zone Expiration

Date:

ECF Neighborhood Code:

00512 - 512 OFFICE BLDGS SOUTH

Legal Information for 6460-11-468-0

[collapse]

PARK BEIDLER LOTS 58, 59 & 68 ALSO VAC E 30 FT OF MENNO PL RNG BEG COLUMBIA AVE & WAWEENORK DR ALSO ALL VAC ALLEY BET LOTS 59 & 68 ALSO N 1/2 OF VAC ALLEY LYING S OF LOT 58, EXC N 8 FT OF SD PARCEL, ALSO EXC BEG AT PT ON W LI OF SD E 30 FT OF MENNO PLAT DIST 8 FT SLY OF S LI OF COLUMBIA AVE - S 88 DEG 58 MIN E PAR WITH S LI OF COLUMBIA AVE DIST OF 8 FT - SWLY TO PT ON SD W LI OF E 30 FT OF MENNO PL DIST 2 FT FROM POB - N 00 DEG 42 MIN E 2 FT TO POB

Sales Information

2 sale record	(s) found.					
Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page
1 01/27/2004	\$9,200.00	05	RB CHRISTIAN & SON INC	MICHIGAN DEPT OF TRANSPORTATION	18 SPLIT	2783/0585
Note						
907.98 SQ FT						
12/11/2001	\$1.00	12	CHRISTIAN,ROBERT B & BEVERLY M	R B CHRISTIAN & SON INC	12 QCD/OTHER	2401/0859

Building Information

Descripti	on	F	loor Area Yr	Buil
Commercia	l/Industrial Building 1 - <i>Offic</i>	re Building	0 Sq. Ft.	193
General Information				
Floor Area:	0 Sq. Ft.	Estimated TCV:	N/A	
Occupancy:	Office Building	Class:	С	
Stories Above Ground:	0	Average Story Height:	0	
Basement Wall Height:	N/A			
Year Built:	1930	Year Remodeled:	0	
Percent Complete:	100%	Heat:	Zoned A.C. Warm & Cooled Air	ו
<u>-</u>	48%	Functional Percent Good:	0. 000,000,	
Physical Percent Good: Economic Percent Good:	100%	Effective Age:	42 yrs.	
Desidential	Duilding 1	_	.542 Sq. Ft.	193
Residential	Building 1		.542 5q. Ft.	193
General Information				-
Floor Area:	1542 Sq. Ft.	Estimated TCV:	N/A	
Garage Area:	288 Sq. Ft.	Basement Area	1207 Sq. Ft.	
Foundation Size:	1542 Sq. Ft.			
Year Built:	1930	Year Remodeled:	1970	
Occupancy:	Single Family	Class:	CDN/A	
-		Tri-Level?:	NO	
	1000/	Heat:	Forced Hot Wate	r
Percent Complete: AC w/Separate Ducts:	100% NO	Wood Stove Add-on:	NO	'

Style:	0 BUNG	ALOW(1STY)	Water: Sewer:	N/A N/A
Area Detail - Ba	sic Building Areas			
Height	Foundation	Exterior	Area	Heated
1 Story	Full Bsmnt.	Siding	1067 Sq. Ft.	1 Story
1 Story	Crawl Space	Siding	425 Sq. Ft.	1 Story
Area Detail - O				
Height	Exterior	Area	Included in Size	for Rates
1 Story	Siding	50 Sq. Ft.	YES	
Basement Finis	sh			
Recreation:	0 Sq. I	=t.	Recreation % Good:	0
Living Area:	744 Sc		Living Area % Good:	0
Walk Out Doors:	0	1	No Concrete Floor Area:	0 Sq. Ft.
Plumbing Info	rmation			
Plumbing Infor 3-Fixture Baths: 2-Fixture Baths:	rmation 2			
3-Fixture Baths:	2 1			
3-Fixture Baths: 2-Fixture Baths:	2 1			
3-Fixture Baths: 2-Fixture Baths: Garage Inform	2 1 ation 1 Car	- Basement	Exterior:	Siding
3-Fixture Baths: 2-Fixture Baths: Garage Inform Garage # 1	2 1 ation	е	Exterior: Common Wall:	Siding 2 Wall
3-Fixture Baths: 2-Fixture Baths: Garage Inform Garage # 1 Area:	2 1 ation 1 Car Garago	е	Common Wall: Finished?:	2 Wall NO
3-Fixture Baths: 2-Fixture Baths: Garage Inform Garage # 1 Area: Foundation:	2 1 ation 1 Car Garago	е	Common Wall:	2 Wall
3-Fixture Baths: 2-Fixture Baths: Garage Inform Garage # 1 Area: Foundation: Year Built:	2 1 ation 1 Car Garage 42 Inc	е	Common Wall: Finished?:	2 Wall NO
3-Fixture Baths: 2-Fixture Baths: Garage Inform Garage # 1 Area: Foundation: Year Built: Auto Doors: Porch Information	2 1 ation 1 Car Garage 42 Inc 0	e h	Common Wall: Finished?: Mech Doors:	2 Wall NO 0
3-Fixture Baths: 2-Fixture Baths: Garage Inform Garage # 1 Area: Foundation: Year Built: Auto Doors:	2 1 ation 1 Car Garage 42 Inc	e h Ft.	Common Wall: Finished?:	2 Wall NO

^{**}Disclaimer: BS&A Software provides this Web Site as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

Privacy Policy

RENT REG-SOLICITEDEnforcement | EN12-06677 **Property Information** Subdivision: 6460-11-468-0 439 W COLUMBIA AVE Lot: Block: **BATTLE CREEK MI, 49015-3398** ne Information **RB CHRISTIAN & SON INC** Phone: Owner: Phone: Occupant: **RB CHRISTIAN & SON INC** Phone: Filer: **Enforcement Information** Status: PENDING Date Filed: 08/15/2012 Date Closed: Complaint: Last Action Date: Last Inspection: 10/02/2012 Last Action: RENTAL HC Inspection | JASON FRANCISCO Result: Canceled Status: Canceled 10/02/2012 Completed: Scheduled: 10/03/2012 Comments: inspection not needed because zoning does not allow for these apts RENTAL HC Inspection | JASON FRANCISCO Canceled Result: Status: Canceled 10/03/2012 Completed: 10/02/2012 Scheduled: Comments: inspection not needed because zoning does not allow for these apts COMPLIANCE Inspection | JASON FRANCISCO Status: Completed Result: Complied Completed: 08/24/2012 Scheduled: 09/07/2012 ZONING CODE Inspection | DAVID L FARMER Result: Violation(s) Status: Completed Completed: 08/28/2012 Scheduled: 08/28/2012 Comments: can there be 2 units in the basement of this business? There is no record of any residential use of the building since possibly 1993. BC Twp zoned this property "B-2 Intensive Business District" in 1975 -777. The property is zoned "C-3 Intensive District" today, which does not allow residential units except as legal non-conforming. I can't find any evidence from the assessors office or the building archives to indicate any reason to justify a legal nonconforming (grandfather) status. The rental application lists two address for two units, 7 Menno & 439 W. Columbia, 7 Menno does not exist in the property file, only 439 W. Columbia. Residential use of this property would violate the Zoning ordinance. 8/28/12 dlf RENTAL PERMIT APPLICATION Inspection | JASON FRANCISCO Result: No Violation Status: Completed Completed: 08/24/2012 heduled: 08/27/2012

Comments:

INVESTIGATION Inspection | JASON FRANCISCO

REC'D APP & SOLICITED FEE OF \$500.00. DG

Status:	Completed	Result:	Violation(s)		
Scheduled:	08/16/2012	Completed:	08/15/2012		

ROUTING NUMBER CARD NUMBER CARD NUMBER TE AMOUNT		ASSESSMENT RECORD	5		14, 400	Consultant	15 000		}	200	1, E	700 %	17	70		NO.80										SD C-24
SS DATE		ASSES	LAND	BLDGS.	_	LAND	TOTAL			TOTAL	1	1	TOTAL	LAND	BLDGS.	TOTAL	LAND			LAND			LAND		TOTAL	
MAP NUMBER			-		VALIDITY 1 YES	T		7	新新华	2	1	3		13	<u>A</u>				6T			61	7		ī	
			The state of the s			5666	3 4 F		3 4 I	3 4 1	TO ME SEL	9/26/	CLUE add	~ ~	1. K. W. C.		the city assessment	100		DISTRICT	IMPROVING	STATIC	DECLINING		BLIGHTED AREA	
-468-0		100			SOURCE 1 BUYER 3 FEE	1 2	1 2		1 2	1 2	うる	3	Levision	4396	ながれ	•	多山山	16/15		ROAD	-	1				
6460-11-468-0	1. Ca	ť	PROPERTY ADDRESS - C	SALES DATA	RICE				1		MEMORANDA	, -	3	7	\$)	いらののかをから	7	PROPERTY FACTORS	STREET OR ROAD	PAVED	UNPAVED	PROPOSED	SIDEWALK		
11468 K			PROPERT	SALE	SALE PRICE						MEMO						ENT	10 S	ROPERT	MENTS	-		~			
		W V	++-		TYPE 1 LAND	1.2	1.2	2 5.	1 2	1.2	080						CONSENT	1 Knas		IMPROVEMENTS	CITY WATER	SEWER7/SEPTIC	GAS	ELECTRICITY	ALL UTILITIES	CHIGAN
2,400		7	,		DATE MO. YR.						1975-13					*	+	M	-	TOPOGRAPHY	7 CEVEL	HIGH	LOW .	ROLLING	SWAMPY	BATTI E CREEK TOWNSHIP MICHIGAN
CREEK, MI			JE LAND VALUE		Ale 16 19 1981													00		27		SE				RATTIECRE
BATTLE (LAND COMPUTATIONS	LAND VALUE		458-0201	114076 1143.												N N	1	12,34		PURPOSE				
3 & EAS		LAND	VALUE		1	* 1140 FOR	8		RATE									•			BUILDING PERMIT RECORD					
		n Logo	FACTOR	*	18 4 433	1881			RES									ROSS)	GS S	D BUILDINGS	DING PERN					
CHRISTIAN 1A LOTS 58, 59		3 NONE	VALUE	0	111/7	3			NO. OF ACRES									TOTAL VALUE LAND (GROSS)	TOTAL VALUE BUILDINGS	TOTAL VALUE LAND AND BUILDINGS	BUIL	AMOUNT				FRS @ 1972
ROPERT CHRI 39 W COLUNEIA PARK BEIDLER LOTS		2 GROSS	DEPTH	79	C	0	N.		TION								AGE	TOTAL	TOTAL	TOTAL		NUMBER				.COLE . LAYER - TRUMBLE CO./APPRAISERS @ 1972
F .439 W		DIOT	E	7 7 7	1 100	1000	T DEPRECIATION	RNER INFL.	CLASSIFICATION	IMARY SITE	CONDARY SITE	EARED	EARED		ODLAND	STELAND	TOTAL ACREAGE					DATE				. COLE + LAYER - TR

T
plim
-
:)
11
1
1
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7
line.
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=
JIL
35
SCIL
BUIL

Line Comment									.
DWELLING DAI	DWELLING DAIA & COMPUIATIONS					COMMERCIAL BUILDING DATA	LDING DATA & CC	& COMPUTATIONS	
OCCUPANCY	WALLS	I	C	52	ROOFING	THE GO THE	A. Story &	V. B. 12, 12, E. Dress	0
$\begin{pmatrix} 2 \\ 3 \end{pmatrix}$ VAC. LOT DWELLING OTHER	FRAME/STUGGOT	7	7 11		METAL	SHINGLE	B. Story &	1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2	a summer
ACCOMMODAT	CONCRETE BLOCK	, voi		+ 6/	FRAMING	B 1 2	ALL CONSTRUCTION	7 73 72 7	TONE
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grade denotes quality of construction: A-excellent; B-goód; C-average; D-cheap; E-very cheap CDU factor refers to the condition. Desirability, and usfeulness of the Building MAP NO.

ASSESSMENT NO.

CITY OF BATTLE CREEK - ASSESSOR'S OFFICE COMMERCIAL ASSESSMENT RECORD

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ORDER BY FORM NO. M294-FI-K REVISED 3/83 — INDUSTRIAL ASSESSMENT RECORD FROM: DOUBLEDAY BROS. & CO., KALAMAZOO, MICH. #328838

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BATTLE CREEK DEPARTMENT OF PLANNING AND ZONING

October 2, 2012

Mr. Richard Christian RB Christian & Son Inc 439 W. Columbia Ave Battle Creek, MI 49015

RE: RESIDENTIAL ZONING REVIEW

439 WEST COLUMBIA AVE, BATTLE CREEK, MI, PARCEL 6460-11-468-0

Dear Mr. Christian:

A zoning review was performed to determine the <u>residential compliance</u> of your property, at 439 W. Columbia Ave, with **Battle Creek City Zoning Code Chapter 1264 C-3 Intensive Business Districts**

The property was zoned by the Battle Creek Twp in 1975 as "B-2 Intensive Business District", which did not allow residential dwellings. The Battle Creek City Zoning map demonstrates the property is zoned "C-3 Intensive Business District", which does not allow residential dwellings. The BC City Assessors records and the BC City Building Inspection records do not record any legal residential use that would permit a legal non-conforming use. If you can produce any documentation of legal residential use that could qualify the property as legal non-conforming residential use in a "C-3 Intensive Business District", we would certainly consider it.

Residential use of the property either as a rental or owner occupied would violate the Battle Creek City Zoning Ordinance and is not allowed. You may appeal to the Zoning Board of Appeals for a use variance if you desire to use the property for residential occupancy.

Pursuant to Chapter 1232.04, any appeal from a decision of the Zoning Administrator may be made to the Zoning Board of Appeals as provided in Chapter 1234. In accordance with the Zoning Board of Appeal Bylaws, Article VIII, Section 2, you have fifteen (15) days from the date of this letter (OCTOBER 17, 2012) in which to file your appeal of this decision, by submitting the attached application.

If you have questions you may call the Planning Office at 966-3320.

Sincerely,

David L. Farmer, Zoning Inspector

Enclosure: ZBA Application